

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

MARCUS J. (MARC) MATHEWS,

Plaintiff,

Civil Action No.
5:04-CV-1206 (DEP)

vs.

BIG BEAR AMERICAN MADE
CHOPPERS, INC.,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

BOTTAR, LEONE LAW FIRM
120 Madison Street
Suite 1600
AXA Tower II -16th Floor
Syracuse, New York 13202

ANTHONY S. BOTTAR, ESQ.

FOR DEFENDANT BIG BEAR:

PETRONE, PETRONE LAW FIRM
1624 Genesee Street
Utica, New York 13502

DAVID H. WALSH, IV, ESQ.

DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

JUDGMENT

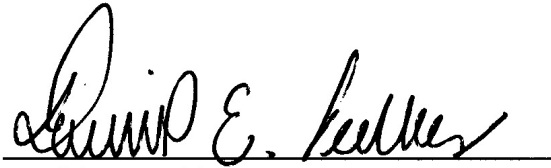
This matter came before the court for trial, beginning on May 11, 2005, to a jury duly empaneled and sworn, in connection with plaintiff's claims of strict liability, negligence and breach of warranty, *inter alia*, seeking recovery for damages for personal injury. Following trial, the jury returned a verdict, utilizing a jury verdict form provided for its use, and thereupon made certain findings with regard to the various claims and counterclaims submitted for its consideration, as well as the defenses raised with regard to those claims. Based upon the jury's verdict (Dkt. No. 259), which is incorporated herein by reference, it is hereby

ORDERED, ADJUDGED AND DECREED that judgment be entered in favor of plaintiff against defendant Big Bear American Made Choppers, Inc. in the amount of \$457,118.72; and it is further

ORDERED, ADJUDGED AND DECREED that plaintiff's judgment shall include prejudgment interest from the date of the verdict until the date of judgment calculated in accordance with 28 U.S.C. § 1961(a) at a rate of .50 percent per annum in the additional amount of \$438.33; and it is further

ORDERED, ADJUDGED AND DECREED, that the total amount of the judgment entered for plaintiff, including prejudgment interest, shall be

\$457,557.05.

A handwritten signature in black ink, appearing to read "David E. Peebles", written over a horizontal line.

David E. Peebles
U.S. Magistrate Judge

Dated: August 5, 2005